



## Juvenile Justice Training Academy Lesson Plan

Program: <b>Juvenile Supervision Officer Basic Course</b>		Citation Source: <b>TAC 37 Chapter 343</b>
Required by: <input type="checkbox"/> Texas Statute <input checked="" type="checkbox"/> Texas Administrative Code <input type="checkbox"/> Professional Development		
Training Title: <b>Juvenile Rights</b>		
Prerequisite(s): <b>N/A</b>		
Developed By: <b>Ed Gutierrez and Linda Green, TJJD Curriculum Developer</b>		Date: <b>February 18, 2016</b>
Revised By: <b>Delisha McLain, TJJD Curriculum Developer</b>		Date: <b>January 1, 2019</b>
<b>PARAMETERS</b>		
Training Duration: <b>1.5 hours</b>	Minimum/Maximum Number of Participants Recommended: <b>5 - 50</b>	
Instructional Setting: <b>Classroom</b>	Target Audience: <b>Juvenile Supervision Officers completing mandatory training.</b>	
<b>COURSE DESCRIPTION</b>		
This course will provide an overview of the rights juveniles have when detained in a juvenile facility. Correlations between the Constitution and standards in the Texas Administrative Code will be examined, along with what juveniles are able to do if they have a complaint.		
<b>APPROVALS</b>		

**Training Authority**

Jenna Reblin, Staff Attorney      Date  
Office of the General Counsel

**Training Authority**

Kristy Almager, Director      Date  
Juvenile Justice Training Academy

## PERFORMANCE OBJECTIVES

At the conclusion of this module, participants will be able to:

1. Distinguish between juvenile rights and privileges.
2. Identify the protected rights juveniles have, as outlined in the Texas Administrative Code, while detained in a juvenile facility.
3. Using knowledge obtained from this course, analyze scenarios to ensure juvenile rights are protected.

## INSTRUCTOR MATERIALS

1. TJJD Approved Lesson Plan, January 1, 2019
2. Power Point Show
3. Copy of Participant Guide

## PARTICIPANT MATERIALS

1. Participant Guide, January 1, 2019

## REFERENCES

1. Desert News. Faith. *5 Major World Religions: How Do They Worship?*  
<https://www.deseretnews.com/article/765670346/Worlds-5-major-religions-How-do-they-worship.html>. Accessed November 16, 2018.
2. National Archives. *America's Founding Documents. The Constitution of the United States.*  
<https://www.archives.gov/founding-docs/constitution>. Accessed October 24, 2018.
3. National Institute of Corrections. Desktop Guide to Quality Practice for Working with Youth in Confinement. *Ch. 5 – Rights and Responsibilities of Youth, Families, and Staff.*  
<https://info.nicic.gov/dtg/node/11>. Accessed November 16, 2018.
4. Texas Administrative Code. *Title 37; Part 11; Chapter 343: Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities.*  
[http://www.tjjd.texas.gov/publications/Standards/Chapter\\_343\\_Final.pdf](http://www.tjjd.texas.gov/publications/Standards/Chapter_343_Final.pdf). Accessed October 25, 2018.
5. Ibid. *Title 37; Part 11; Chapter 344: Employment, Certification, and Training.*  
[http://www.tjjd.texas.gov/publications/Standards/Chapter\\_344.pdf](http://www.tjjd.texas.gov/publications/Standards/Chapter_344.pdf). Accessed November 13, 2018.
6. YouTube. *Australian Prisons/Juvenile Detention Centres Shocking Child Abuse - ABC Four Corners.*  
[https://www.youtube.com/watch?v=2\\_HUGxl0Rnk](https://www.youtube.com/watch?v=2_HUGxl0Rnk). Accessed October 31, 2018.

## ACKNOWLEDGEMENTS

1. Bennet-Wells, Carla, Compliance Analyst-PREA Coordinator. Texas Juvenile Justice Department. Monitoring and Inspections Division. Subject Matter Expert.

2. Ellison, Chris, Manager. Texas Juvenile Justice Department: Juvenile Justice Training Academy. Subject Matter Expert.
3. Reblin, Jenna, Staff Attorney. Texas Juvenile Justice Department. Office of the General Counsel (OGC). Subject Matter Expert.
4. Texas Juvenile Justice Department. Juvenile Justice Training Academy. *JPO Basic: Juvenile Rights*. February 18, 2016.
5. Ibid. Juvenile Justice Training Academy. *Lesson Plan: Influencing Youth Behavior Annual Training*. October 1, 2018.
6. Ibid. Juvenile Justice Training Academy. *Lesson Plan: Youth Rights Annual Training*. April 1, 2015.
7. Thomas, Nydia, Deputy General Counsel. Texas Juvenile Justice Department. Office of the General Counsel (OGC). Subject Matter Expert.

## EQUIPMENT | SUPPLIES

- |                                                       |                                                                |
|-------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Projector         | <input checked="" type="checkbox"/> Screen                     |
| <input checked="" type="checkbox"/> Laptop computer   | <input type="checkbox"/> Post-it® Notes                        |
| <input checked="" type="checkbox"/> External speakers | <input checked="" type="checkbox"/> Laser Remote               |
| <input type="checkbox"/> Chart Pad(s):                | <input checked="" type="checkbox"/> Batteries for Laser Remote |
| <input type="checkbox"/> Easel Stand (s):             | <input checked="" type="checkbox"/> Other: Scissors            |
| <input type="checkbox"/> Marker(s):                   |                                                                |

## SCHEDULE

Introduction .....	05:00
What's the Difference?.....	10:00
Rights of Juveniles.....	30:00
JSO Duties.....	40:00
Final Thoughts .....	05:00

## LEGEND



### For Your Eyes Only

This is information for the Trainer only – it is facilitator guidance (i.e. Activity Instructions)



### Speaker Notes

This will indicate information to be shared with participants



### Action

This will direct facilitator when to do something (i.e. click to activate bullets, start media if necessary, chart participant responses)



### Activity

This will indicate activity (small or large; individual or collaborative) before continuing on with presentation

Note: Unless otherwise indicated in the lesson plan and based on class size, the trainer has the discretion to use a designated group activity as an individual activity.

The trainer shall process the activity, whether as designated or individually in an effort to maximize the learning environment for the participants.

## IMPORTANT TRAINER INFORMATION

1. Prepare a **Parking Lot**. If a particular training course lends itself to potentially lengthy discussions that compromise training time, trainers are encouraged to prepare and use a Parking Lot in an effort to manage questions and time constraints efficiently. The Parking Lot is a piece of blank chart paper, titled **Parking Lot**. Paper is placed on a wall at the beginning of the training session, easily accessible to everyone. If the Parking Lot is used, place several pads of post-it® notes on participant tables for use during the training session and provide participants instructions on how a Parking Lot is used during training.

The Parking Lot's purpose is to track questions asked by participants and allows trainer to either research an appropriate answer or respond to the question at the applicable time during the lesson plan. Prior to ending the training session, the trainer will review questions posted on the Parking Lot to determine if all have been answered or if additional research is needed. Trainer will either ask participants to confirm all posted questions have been answered satisfactorily or will acknowledge to participants the need to seek additional clarification from a subject matter expert (SME), the curriculum developer (CD), or other approved resource. A follow-up email should be provided to participants in the training session.

2. Cover all activities unless marked Optional.
3. Time noted for an activity represents the entire activity process: introducing the activity, performing the activity steps, and debriefing the activity. During assigned activities, participants should be informed they have a "few" minutes to complete an activity instead of a set number of minutes (example: 10 minutes). This allows the trainer to shorten or lengthen time as needed.
4. During question and answer sessions or activities:

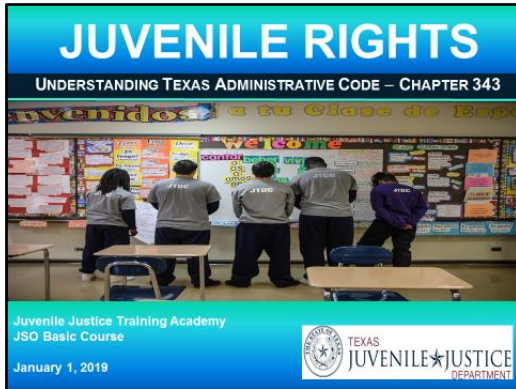
- a. Questions followed by the (*Elicit responses.*) statement – should be limited to 1 or 2 participant responses. These questions are used to gain audience acknowledgement and not meant to be a lengthy group discussion.
  - b. Questions followed by an italicized (suggested) response – are to be covered by the trainer or participants. If participant responses do not cover the complete italicized response, the trainer will provide participants with the remaining information. The responses provided are suggested best answers as approved by the Technical Authority.
- If participants suggest other responses, encourage them to explain their choices.

### **Specific**

During the activity, “*Which Is It?*,” participants will hold up the amendment which correlates with the standard discussed. Trainer will give participants a few minutes *before* the course begins to cut the amendments out.

### **Disclaimer:**

The following curriculum is based on Chapter 343 of the Texas Administrative Code, developed by the Texas Juvenile Justice Department in collaboration with the Regional Training Officer Group of the Sam Houston State University Correctional Management Institute of Texas. Approved curriculum is signed by both a Technical and Training Authority. The Certification exam is based on approved TJJD standardized curricula. TJJD is mindful some examples referenced in the lesson plan may not be applicable in particular counties. Deviations regarding the material are discouraged; however, enhancements explaining local policy and procedure without breaching the fidelity of the information are supported. If a participant requires additional information beyond the scope of this curriculum, refer the participant to his (or her) immediate supervisor.



## Slide 1 – Introduction

Instructor's Corner:

PG: 5

### Trainer Notes:



## INTRODUCTION

*(Welcome participants to the course and discuss the agenda including information on breaks, lunch time, and other pertinent information. If using the "Parking Lot," prior to class, prepare a chart to use later as noted in the Important Trainer Information section of the LP. Place Post-it® notes on the tables or next to the Parking Lot chart for participant use.)*

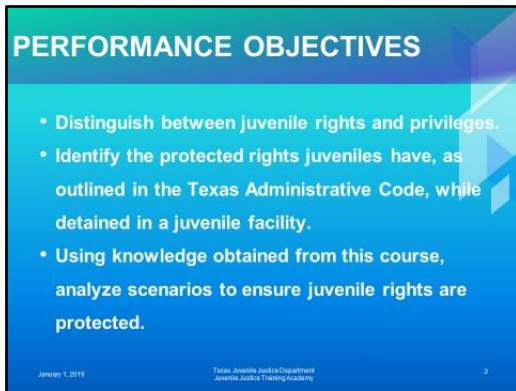
*(The Texas Juvenile Justice Department is mindful some examples referenced in the lesson plan may not be applicable in certain counties or facilities. Deviations from this TJJD approved curriculum are discouraged; however, enhancements explaining local policy and procedure without breaching fidelity of the information are acceptable.)*

Welcome to the course today on *Juvenile Rights*. The rights of juveniles involved in the juvenile justice system stem from multiple sources, including the U.S. Constitution, federal law, state constitutions, state law, and other applicable case law. These sources establish a framework for standards outlined in the Texas Administrative Code (TAC), which provides for legal protections juveniles are afforded while in juvenile facilities. As a juvenile supervision officer (JSO), understanding how these standards protect juvenile rights is critical to the job you do.

Today, we will discuss these special legal protections in TAC, along with differences in basic rights and privileges, sanctions prohibited in juvenile facilities, and how the juvenile grievance process is used when a juvenile has a complaint.

**Q: What questions do you have about the course today?** *(Answer questions, if any.)*

Let's review the performance objectives for the course today.



## Slide 2 – Performance Objectives

Instructor's Corner:

PG: 5



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Trainer Notes:



## PERFORMANCE OBJECTIVES

*(Click for each objective to appear as it is mentioned.)*

At the end of the course today, you should be able to:

1. Distinguish between juvenile rights and privileges.
2. Identify the protected rights juveniles have, as outlined in the Texas Administrative Code, while detained in a juvenile facility.
3. Using knowledge obtained from this course, analyze scenarios to ensure juvenile rights are protected.

Let's begin by discussing the distinction between juvenile rights and privileges.





### Slide 3 – What's the Difference?

Instructor's Corner:

PG: 5

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Trainer Notes:



### What's the Difference?

*(Click for right definition to appear as it is mentioned.)*

Juveniles, when detained in a juvenile facility, do not lose their fundamental rights, as rights are liberties afforded to all individuals and guaranteed by law. Standards in the Texas Administrative Code, along with local policy and procedure, detail special legal protections juveniles have, based on constitutional rights, which may be different and limited from what juveniles are entitled to in the community. These legal protections or "rights," if removed or denied to juveniles without due process, may lead to staff disciplinary action and/or civil penalties, outlined in the *Code of Ethics* course.

**Q: What would be an example of a juvenile "right" in a juvenile facility?** *(Elicit responses.)*

Examples of fundamental rights juveniles are entitled to in a juvenile facility may include:

- Clean clothes

- Nutritious meals
- Adequate supervision
- Proper medical treatment
- Freedom from discrimination, based on gender, race, ethnicity, or religion

**Q: How would a privilege be defined?** *(Elicit responses.)*

*(Click for privilege definition to appear as it is mentioned.)*

Different from fundamental juvenile rights, privileges are items, activities, or actions juveniles may earn by displaying appropriate behavior or actions. They are not guaranteed and in a juvenile facility, privileges may be taken away or modified at any time because of negative or inappropriate behavior.

**Q: What may be some ways in which juveniles may earn privileges?** *(Elicit responses.)*

Privileges may be earned by:

- Consistent appropriate behavior throughout the day
- Performing well in school
- Achieving goals outlined in treatment plan

**Q: What may be some examples of privileges?** *(Elicit responses.)*

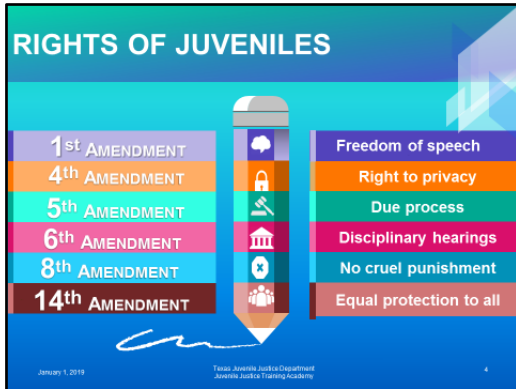
Privilege examples may include:

- Television time
- Radio in a housing unit room
- Play time on a gaming system
- Additional minutes of shower time

This list is not exhaustive and depending on local resources, limitations, and juvenile interest, facilities may have different privileges juveniles may earn.

**Q: What questions do you have about rights and privileges juveniles have while in a juvenile facility?** *(Answer questions, if any.)*


Juveniles are able to file a grievance when they disagree with the reason(s) privileges are taken away or when they believe they have been treated unfairly. Later today, we will talk about the grievance process, outlined in TAC Ch. 343, and your role in that process, but first let's talk about some of the constitutional amendments which protect juvenile rights.



## Slide 4 – Rights of Juveniles

Instructor's Corner:

PG: 6

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### Trainer Notes:



## RIGHTS OF JUVENILES

The Constitution of the United States outlines how our government is structured and within the document, are twenty-seven amendments that outline freedoms for American citizens. These amendments describe constitutional rights of all individuals and provide the framework for which TAC bases standards juvenile justice professionals must abide by. Let's discuss some of these amendments now, particularly those that pertain to the protection of juveniles in facilities.

*(Click for each amendment to appear as it is mentioned.)*

- 1<sup>st</sup> Amendment

This amendment provides the right to free speech and press along with the right to gather with a group, whether to protest or for other reasons. In addition, the amendment protects religious beliefs and practices.

- 4<sup>th</sup> Amendment

This amendment provides the right to privacy and freedom from unreasonable search or seizure, whether individually or of personal property.

- 5<sup>th</sup> Amendment

This amendment provides protections for individuals accused of crimes. It affords the right to due process or fair procedures and trials before imprisonment. In addition, the amendment protects against double jeopardy or being tried twice for the same crime and self-incrimination.

- 6<sup>th</sup> Amendment

This amendment provides provisions regarding criminal prosecution. It affords the right to a speedy trial, impartiality during trial, advance notice of charges, the right to confront and provide witnesses, and the right to legal counsel.

- 8<sup>th</sup> Amendment

This amendment prohibits cruel and unusual punishment, in addition to excessive bail or fine amounts.

- 14<sup>th</sup> Amendment

This amendment provides for equal protection of the law for all citizens of the United States and for access to medical and health services. In addition, it prohibits the deprivation of life, liberty, or property, without due process of the law.

**Q: What questions do you have about these particular amendments?** (*Answer questions, if any.*)

Again, this list is not exhaustive of the amendments outlined in the Constitution; however, these in particular are critical to juveniles detained in juvenile facilities. Let's turn our attention to specific TAC standards, outlined in Ch. 343, that provide protections to juveniles and discuss how they pertain to the amendments we just talked about.

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Trainer Notes:



### **For Your Eyes Only – Activity: Which Is It?**

1. Trainer will ensure there are scissors, tape, and an option to attach amendments to, if available.
2. Each participant will be provided with the six amendments referenced in the lesson plan, located on the last page of their participant guide. Participants will need to cut out each amendment.
3. After discussion of each standard, participants will hold up what is believed to be the correct amendment the standard pertains to, from the paper cut-outs prepared earlier. There may be more than one answer.
4. Trainer will reveal the correct amendment and move on with the discussion as outlined in the lesson plan.

Activity Point: To reinforce knowledge about specific amendments and standards applicable to juveniles detained in juvenile facilities.



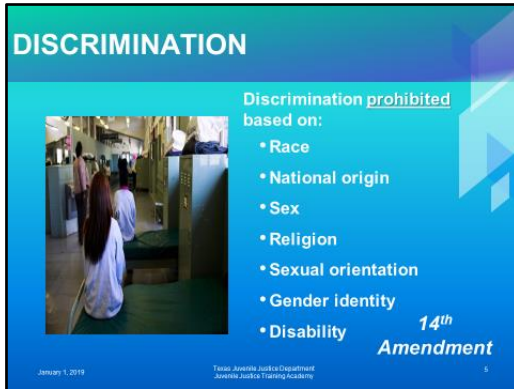
### **Activity – Which Is It?**

We are going to play *Which Is It?* For this activity, you will need the amendments, found on the last page of your participant guide. Cut each one out and after we discuss each juvenile standard, I am going to ask you which amendment it pertains to (there may be more than one). Hold up what you believe to be the answer and I will reveal the correct amendment(s). We will do this for all the standards we talk about today.

**Q: What questions do you have about this activity?** (*Answer questions, if any.*)

Let's begin our discussion and talk about standards regarding discrimination.






## Slide 5 – Discrimination

Instructor's Corner:

PG: 6

 This slide appears with prohibitions regarding discrimination. Click for the correct amendment to appear.

Trainer Notes:



## Discrimination

According to TAC §343.368, a juvenile facility and staff members must not discriminate against any juvenile based on race, national origin, sex, religion, sexual orientation, gender identity, or disability in the delivery of programs or services. Program examples include:

- Education program
- Counseling program
- Physical activity program
- Nutritional program
- Medical program

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendment to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

**A: 14<sup>th</sup> Amendment.**

This standard is likely based on the 14<sup>th</sup> Amendment. It provides for equal protection of all individuals, so discriminating or denying a juvenile access to a program or service based on certain identifiers, such as gender identity or race may be possible violations of his (or her) 14<sup>th</sup> amendment rights.

**Q: What may be some examples of discrimination in a juvenile facility?**

*A: Examples of discrimination in a juvenile facility may include:*

- *Refusing to allow a transgender girl to shower in the girls' area*
- *Not allowing individuals of the same ethnicity to sit together because you assume all they discuss is gang activity*
- *Prohibiting a juvenile from participating in religious services because of personal biases about his (or her) religious beliefs*

**Q: What questions do you have about standards regarding discrimination?** *(Answer questions, if any.)*


Let's move on and discuss standards regarding supervision of juveniles when they are housed in juvenile facilities.



## Slide 6 – Supervision

Instructor's Corner:

PG: 7

 This slide appears with a picture. Click for supervision standards to appear as they are mentioned and again for correct amendments to appear.

Trainer Notes:



## Supervision

*(Click for standards to appear as they are mentioned.)*

Primary responsibilities of JSOs include supervising juveniles in juvenile justice facilities or programs and maintaining juvenile safety and security. To carry out these duties, JSOs must:

- Be properly trained and certified, after participating in mandatory training outlined in TAC Ch. 344
- Abide by mandatory ratios in a facility, with TAC specifying the required ratios for various circumstances or times
- Follow gender specific provisions
  - juveniles must be supervised by a JSO of the same gender during showers, strip searches, disrobing, and personal hygiene practices at all times outlined in TAC §343.432 and §343.626

*(For information regarding the implementation of best practices and policies regarding transgender | intersex juveniles, check with local legal counsel and/or PREA coordinator.)*

This is not an exhaustive list; become familiar with local facility policy and procedure regarding supervision of juveniles and be sure that at no time juveniles supervise other juveniles, as outlined in TAC §343.370, nor issue sanctions to one another. There may be times when you assign juveniles to peer leadership positions; however, these roles do not provide any authority over other juveniles and must not interfere with a juvenile's right to file a grievance, which we will talk about later today.

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 8<sup>th</sup> and 14<sup>th</sup> Amendments.*

This standard is likely based on the 8<sup>th</sup> and 14<sup>th</sup> Amendments. The 8<sup>th</sup> Amendment protects against cruel or unusual punishment and juveniles' solely supervising their peers is not only highly inappropriate, but may result in juveniles being seriously hurt, particularly if one juvenile does not like another. The 14<sup>th</sup> Amendment provides for equal protection of all individuals, so it is essential for JSOs to adhere to mandated ratios and supervise juveniles in an equitable way. Allowing biases or prejudices to determine how certain juveniles are supervised will likely lead to juveniles or staff members being hurt and jeopardizes the safety and security of facilities.

**Q: What may be some examples of supervision violations in a juvenile facility?**

*A: Examples of supervision violations in a juvenile facility may include:*

- *Leaving a juvenile on senior level in charge while you run to the restroom*
- *Leaving an uncertified JSO who has not received all of his (or her) mandatory training in charge of a housing unit*
- *Allowing a juvenile to decide the outcome of another juvenile's inappropriate behavior*

When reviewing the standards for supervision and requirements of JSOs, always be mindful that failure to adequately supervise juveniles may not only constitute a violation of juvenile rights, but may also lead to an allegation of supervisory neglect.

**Q: What questions do you have about supervision standards in a juvenile facility?**

*(Answer questions, if any.)*


Let's move on and talk about standards regarding juveniles and their right to counsel.



## Slide 7 – Access to Legal Counsel

Instructor's Corner:

PG: 7

 This slide appears with ways juveniles may have contact with legal counsel. Click for correct amendments to appear.

### Trainer Notes:



## Access to Legal Counsel

According to TAC §343.356, juveniles have the right to have confidential contact with their attorney, as reasonably able, via telephone calls, uncensored letters, and personal visits while in a juvenile facility. During these visits, juveniles need to only be within *visible* observation of facility staff, in order to protect attorney-client privilege and confidentiality of conversations. At no time should JSOs provide legal advice to juveniles, doing so is a crime and an unauthorized practice of the law. If you disagree with what an attorney advises a juvenile, at no time is it appropriate to provide your personal opinion to him (or her).

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

**A: 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendments.**

This standard likely applies to several amendments we discussed, including the 1<sup>st</sup> Amendment, which guarantees free speech. Juveniles are able to speak with their attorney, without fear of what is said being repeated. This standard also likely pertains to the 5<sup>th</sup> Amendment, which provides for due process of the law, to include confidential meetings with attorneys. Further, this standard also likely pertains to the 6<sup>th</sup> Amendment, which provides for the right to be represented by legal counsel. Finally, the standard likely pertains to the 14<sup>th</sup> Amendment, which provides equal protection under the law, entitling juveniles with assistance in their defense.

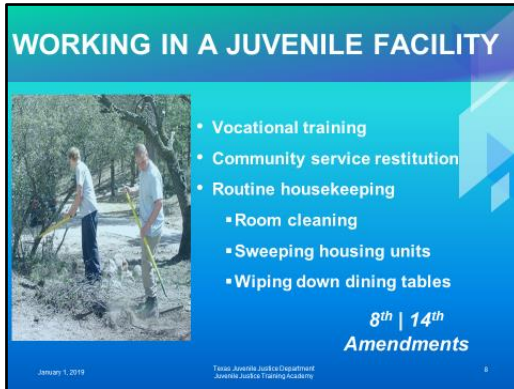
**Q: What may be some examples of access to legal counsel violations in a juvenile facility?**

*A: Examples of access to legal counsel violations in a juvenile facility may include:*

- *Denying an attorney visit because you don't like a juvenile's attitude or he (or she) has not met program expectations*
- *Telling a juvenile their attorney is giving him (or her) bad advice, after listening to their conversation*
- *Cutting an attorney visit short with a juvenile because your shift is over*

**Q: What questions do you have about standards regarding juvenile rights to legal counsel? (Answer questions, if any.)**


Now, let's talk about the standard outlining what work juveniles may be required to do in a juvenile facility.



## Slide 8 – Working in a Juvenile Facility

Instructor's Corner:

PG: 8

 This slide appears with a picture. Click for acceptable work tasks and again for correct amendments to appear.

Trainer Notes:



### Working in a Juvenile Facility

*(Click for acceptable work tasks to appear as they are mentioned.)*

Typically, it is illegal to require anyone to work without monetary compensation, however while in a juvenile facility, juveniles may be required to perform certain tasks without being paid. The standard for work by juveniles is outlined in TAC §343.372. Purposeless or degrading work by juveniles is not allowed. Some acceptable juvenile tasks may include:

- Assignments related to vocational training (e.g., carrying wood in a homebuilding class)
- Community service restitution (e.g., picking up roadside trash or painting over graffiti)
- Routine housekeeping (e.g., room cleaning, sweeping housing unit areas, or wiping down tables in the dining room)

To adequately perform these tasks, juveniles must receive the tools, cleaning supplies, safety gear, and proper supervision. It is prohibited for juveniles to complete work tasks



personally benefitting staff members and if a juvenile is ill and excused from work assignments, he (or she) must not be assigned any work tasks until medically cleared.

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 8<sup>th</sup> and 14<sup>th</sup> Amendments.*

This standard likely applies to the 8<sup>th</sup> Amendment, which protects against cruel and unusual punishment. Juveniles must not be told to complete work tasks without safeguards and when ill, must not be forced to work. In addition, this standard likely pertains to the 14<sup>th</sup> Amendment, which provides for equal protections to all; so when juveniles are tasked with completing work assignments, they must be able to perform these tasks with proper tools and without fear of being injured or taken advantage of.

When providing supervision, there may be times when certain juveniles, because of their religious beliefs, are restricted from participating in certain work tasks due to rituals or practices related to religious days. Juveniles must be able to participate in these rituals, as long as the safety and security of a facility is not compromised.

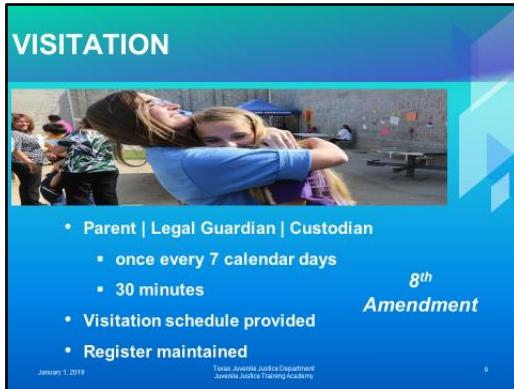
**Q: What may be some examples of work violations in a juvenile facility?**

*A: Examples of work violations in a juvenile facility may include:*

- *Demanding a juvenile clean the same spot in a housing unit for an extended amount of time*
- *Making a juvenile wash your car*
- *Taking a design drawn by a juvenile and getting a tattoo*

**Q: What questions do you have about the standard regarding work tasks juveniles may be required to perform while in a juvenile facility?** *(Answer questions, if any.)*


Let's move on and talk about the standard outlining juvenile visitation rights.



## Slide 9 – Visitation

Instructor's Corner:

PG: 8

 This slide appears with a picture. Click for visitation guidelines to appear as they are mentioned and again for correct amendment to appear.

Trainer Notes:



## Visitation

*(Click for visitation guidelines to appear as they are mentioned.)*

Juveniles have the right to receive or decline visitors while detained, unless a visit threatens the safety and security of a facility. TAC §343.352 outlines specific guidelines regarding visitation, which include:

- Parent, legal guardian, or custodian may visit at least once every seven calendar days for at least 30 minutes or the equivalent over multiple visits
- Family must be notified of the facility visitation schedule
- Register of visitors must be maintained by facility, including name, relationship, date, and time of visit

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendment to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 8<sup>th</sup> Amendment.*

This standard likely pertains to the 8<sup>th</sup> Amendment, which protects against cruel and unusual punishment. Visitation must not be denied to juveniles simply because it is believed they do not deserve it or their parent/guardian have been rude in the past. In addition, juveniles may suffer from undue mental health distress if they are denied visits from their loved ones.

**Q: What may be some examples of visitation violations in a juvenile facility?**

*A: Examples of visitation violations in a juvenile facility may include:*

- *Cutting a visit short because you believe the parent is lacking adequate parental skills*
- *Bribing a juvenile to act a certain way in order to receive his (or her) weekly visit*
- *Threatening to call a parent/guardian and tell them not to visit because of a juvenile's inappropriate behavior*

**Q: What questions do you have about standards regarding juvenile visitation?** (*Answer questions, if any.*)


Along with personal visits from family members, juveniles are also able to communicate with them via telephone calls or mail.



## Slide 10 – Communication

Instructor's Corner:

PG: 9

 This slide appears blank. Click for telephone guidelines and mail provisions to appear as they are mentioned. Click again for correct amendments to appear.

Trainer Notes:



## Communication

Provisions and restrictions regarding telephone calls (§343.358) and mail (§343.360-§343.366) are outlined in TAC. Let's begin with understanding the standards regarding telephone calls.

*(Click for telephone guidelines to appear.)*

### Telephone Calls

Juveniles are allowed at least one five-minute phone call every seven calendar days. Detailed documentation must be kept for each call, including the time of the call, length, and who the juvenile spoke to. Every facility will have policies regarding phone calls, which must be provided to the parent/legal guardian.

### Mail

While detained in a juvenile facility, juveniles must be provided with materials and postage to compose no fewer than two letters every seven calendar days. If money is

received with a letter, it must be placed in a juvenile's personal inventory, with a receipt, or depending on local policy, returned to the sender. If a juvenile is transferred to another facility, his (or her) mail must be forwarded to the new address, or returned to the sender. Mail is subject to privacy and may be opened by staff in the presence of juveniles, strictly to inspect for contraband. There are some specific instances when privacy may not be possible regarding written correspondence, including:

- Reasonable belief exists the correspondence is being used to formulate, devise, or plan an escape from a facility or to violate state or federal law – if so:
  - staff must ask juvenile for permission to read the letter
  - if juvenile denies the request, search warrant must be obtained
  - if search warrant is denied, letter must be provided to juvenile
- Correspondence received by prohibited individuals, including:
  - individuals the court has prohibited contact with
  - other juveniles in a facility
  - witnesses or parties involved in an investigation
  - individuals involved in court matters
  - victims related to the juvenile's referral, investigation, or other matters
- Correspondence from other persons prohibited by a juvenile's parent, guardian, or custodian

Be sure to review TAC §343.362 for procedures to follow upon receipt of mail from prohibited individuals and when mail must be withheld.

If mail is withheld for any of these reasons, it must be documented in the juvenile file along with a copy of the correspondence.

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 1<sup>st</sup> and 4<sup>th</sup> Amendments.*

This standard likely pertains to the 1<sup>st</sup> and 4<sup>th</sup> Amendments. The 1<sup>st</sup> Amendment provides for free speech, which must not be denied to juveniles. In addition, the 4<sup>th</sup> Amendment likely applies, as it protects from unreasonable search and seizure; it protects personal mail of juveniles by establishing certain protections before staff may read it.

**Q: What may be some examples of communication violations in a juvenile facility?**

*A: Examples of communication violations in a juvenile facility may include:*

- *Throwing away a juvenile's mail because of his (or her) inappropriate behavior*
- *Withholding mail from a juvenile because you believe it to contain contraband*
- *Cutting a phone call short because you don't feel like monitoring the call*

**Q: What questions do you have about the standards regarding juveniles and communication?** *(Answer questions, if any.)*


There are also standards in place which outline medical and mental healthcare juveniles have a right to upon entry to a juvenile facility. Let's talk about those standards.



## Slide 11 – Medical | Mental Healthcare

Instructor's Corner:

PG: 9

 This slide appears with a picture. Click for medical and mental health guidelines to appear as they are mentioned and again for correct amendments to appear.

### Trainer Notes:



## Medical | Mental Healthcare

*(Click for medical and mental health guidelines to appear as they are mentioned.)*

Juveniles have the right to proper medical and mental healthcare while in a juvenile facility, to include prompt medical attention, medical and mental health screenings and assessments, along with receiving prescribed medication as ordered by a medical professional. TAC §343.322 and other subsequent sections outline obligations juvenile facilities must impose with regard to medical and mental healthcare, including:

- Screenings and assessments | TAC §343.322

Qualified medical professionals or health-trained staff must conduct medical and mental health screenings to identify the needs of juveniles who have been detained.

- Medical services | TAC §343.322

Juveniles have the right to medical care, provided by qualified medical professionals, to include physical exams, dental and eye care, medication administration, and other medically related services as needed.



- Mental health services | TAC §343.322

Juveniles must be screened for mental health issues and assessments administered must determine areas of concern, like diagnosed or potential mental health disorders, trauma, or suicidality. Juveniles must be treated for these issues while detained.

- Suicide prevention plan | TAC §343.340

Juvenile facilities must implement policies to prevent suicide, to include mental health assessments, appropriate supervision, reporting measures of high risk behavior, and observation guidelines when a juvenile is suicidal. TAC outlines specific supervision guidelines regarding suicidal juveniles; become familiar with these local guidelines, specifically when you are tasked with observing a juvenile on suicide watch.

JSOs, although not providing direct medical or mental healthcare, must report any suspicious, dangerous, or self-harming behavior of juveniles to medical staff as soon as possible.

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 8<sup>th</sup> and 14<sup>th</sup> Amendments.*

This standard likely pertains to 8<sup>th</sup> Amendment , as it provides the right to no cruel or unusual punishment. Failing to receive proper medical care poses health risks, along with potential safety and security concerns (such as a flu outbreak involving multiple juveniles). Again, JSOs must not hinder juveniles from receiving medical or mental health services and must report any concerning behavior to medical staff immediately. In addition, the 14<sup>th</sup> likely pertains to this standard, as it provides for equal treatment of individuals and access to medical and health services to all.

**Q: What may be some examples of medical or mental health care violations in a juvenile facility?**

*A: Examples of medical or mental health care violations in a juvenile facility may include:*

- *Unauthorized staff providing a juvenile with Tylenol for a headache*
- *Authorized staff forgetting to administer medication as prescribed*
- *Authorized staff withholding medication because he (or she) does not think the juvenile needs it*

**Q: What questions do you have about standards regarding medical and mental healthcare? (Answer questions, if any.)**


Let's move on and talk about the standards outlining basic necessities juveniles have while detained.



## Slide 12 – Basic Necessities

Instructor's Corner:

PG: 10

 This slide appears with a picture. Click for hygiene requirements and then for bedding requirements to appear as they are mentioned. Click again for correct amendments to appear.

Trainer Notes:



## Basic Necessities

Juveniles are entitled to items related to basic, personal necessities needed to keep themselves clean, along with food, water, and shelter while in a juvenile facility. TAC outlines what necessities must be in place for juveniles in facilities, including hygiene supplies, bedding, towels, and clothing, and what, if any are allowed to be shared with others.

### Hygiene Plan | TAC §343.262

*(Click for hygiene requirements to appear.)*

Juveniles must be informed on what is considered appropriate hygiene habits while detained and must be provided with:

- Soap
- Shampoo
- Toothbrush
- Deodorant
- Brush | comb

Certain items must not be shared, including toothbrushes, non-spray deodorant, brushes, and combs.

### **Showers | TAC §343.264**

Juveniles must be provided with an opportunity to shower daily, in addition to after participating in strenuous exercise not related to educational curriculum.

### **Bedding | TAC §343.266**

*(Click for bedding requirements to appear.)*

All juveniles in a juvenile facility must be provided with the following:

- Mattress
- Mattress cover or fitted sheet
- Sheet
- Blanket
- Pillow with case

These items must be in good, clean condition and the mattress cover or fitted sheet, sheet, blanket, and pillowcase must be issued at least once every seven calendar days. Modifications to bedding items may result if a juvenile is ordered on suicide supervision or if any item is misused.

### **Towels | TAC §343.268**

A clean towel must be issued to juveniles on a daily basis.

### **Clothing | TAC §343.270**

Juveniles must be provided with clean clothing when admitted to a juvenile facility. Clean undergarments and socks are issued on a daily basis and clean uniforms and other items issued at least twice a week. Clothing options are available (e.g., short sleeve shirts or shorts) depending on weather conditions, programming, or activities. TAC also specifies special clothing requirements when a juvenile is placed on suicide watch.

*(Elicit responses to the next question by having participants hold up the applicable amendment(s) at their seats.)*

*(Click for amendments to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 8<sup>th</sup> and 14<sup>th</sup> Amendments.*

This standard likely pertains to the 8<sup>th</sup> Amendment, which provides the right to no cruel or unusual punishment. Wearing unclean garments every day, or not receiving basic necessities may be considered unusual punishment. In addition, this standard likely pertains to the 14<sup>th</sup> Amendment, which provides for equal protections under the law. Even though juveniles are detained, they are still entitled to fundamental basic rights, like clean clothes and undergarments.

**Q: What may be some examples of basic necessity violations in a juvenile facility?**

*A: Examples of basic necessity violations in a juvenile facility may include:*

- *Refusing to provide a juvenile clean clothes because of inappropriate behavior*
- *Withholding a meal from a juvenile as punishment*
- *Failing to provide shower time due to a staff shortage*

Although TAC standards outline basic necessities juveniles have a right to, local facilities may allow additional items. Be sure to become familiar with local policies with regard to what juveniles are provided with at specific facilities.

**Q: What questions do you have about standards regarding basic necessities and juvenile rights?** *(Answer questions, if any.)*


The last standard we will talk about is regarding religion.



### Slide 13 – Religion

Instructor's Corner:

PG: 10

 This slide appears with a picture and religious guidelines. Click for correct amendment to appear.

### Trainer Notes:



## Religion

According to TAC §343.384, juveniles may participate in religious services while in a juvenile facility. They may only be prevented from participating in religious services if their presence compromises the health and safety of other juveniles or there is a potential threat to facility safety and security. Juveniles also have the right to consume or avoid specific diet options based on religious practices, such as consumption of pork, prohibited with certain religions or eating fish on Fridays, outlined in TAC §343.306.

*(Click for amendment to appear.)*

**Q: What amendment(s) would this standard likely be based on?**

*A: 1<sup>st</sup> Amendment.*

This standard likely pertains to the 1<sup>st</sup> Amendment, which provides for freedom of speech and religion. Not allowing a juvenile to participate in religious practices is a clear violation of his (or her) rights. Further, juveniles do not have to attend any offered religious services, however, an alternative must be made available during that time.

**Q: What may be some examples of religious violations in a juvenile facility?**

*A: Examples of religious violations in a juvenile facility may include:*

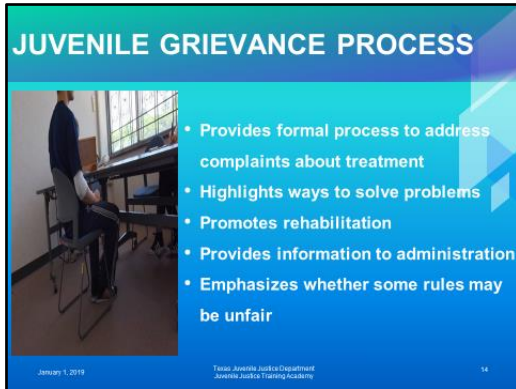
- *Making disparaging remarks about a certain religion and refusing to allow a juvenile to participate in those religious practices*
- *Withholding religious practices due to staff shortages*
- *Telling a Muslim juvenile to read the bible*

**Q: What questions do you have about standards regarding religion? (Answer questions, if any.)**

This list is not exhaustive; there are other rights juveniles are entitled to, provided by federal law, local policy and procedure, such as the Prison Rape Elimination Act (PREA) guidelines, and mandates protecting juveniles' physical and sexual safety. Review the *Texas Administrative Code (Chapter 343)* for an in-depth explanation of standards which must be met in juvenile facilities.

As a JSO, you should be aware of standards outlining what juveniles receive while in juvenile facilities. In addition, you must also be familiar with the grievance process, often used by juveniles when they believe their rights have been violated or they have been treated unfairly.






## Slide 14 – Juvenile Grievance Process

Instructor's Corner:

PG: 11

 This slide appears with a picture. Click for benefits of filing a grievance to appear as they are mentioned.

Trainer Notes:



## Juvenile Grievance Process

*(Click for benefits of filing a grievance to appear as they are mentioned.)*

There will be times when juveniles believe they have been treated unfairly or that their rights have been violated, and will file a grievance, as outlined in TAC §343.376.

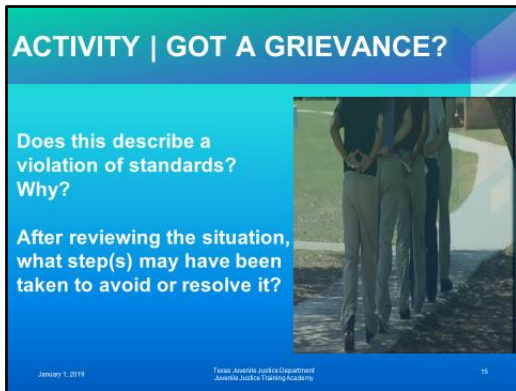
Juveniles may file a grievance without fear of punishment or retaliation from other residents and/or staff and when they do file one; each facility must have a grievance officer who responds and provides a written resolution to the juvenile. The ability to file a grievance:

- Provides a formal process to address complaints about treatment
- Highlights ways to solve problems
- Promotes rehabilitation
- Provides useful information to administration regarding facility concerns
- Emphasizes if certain rules may be unduly harsh and/or unfair

All facilities are required to have a written procedure allowing for an appeal process after an initial grievance is filed, either to an administrative-level staff person or an administrative-level appeals board or panel. Be sure to know your local policy and

procedure regarding the filing of grievances, so you know how to handle these situations when they arise. Although you may not be the person authorized to make final determinations regarding grievances, you still need to be familiar with the process and how to handle it when a juvenile you supervise decides to file one.

Let's do an activity.



## Slide 15 – Activity | Got a Grievance?

Instructor's Corner:

PG: 11

Trainer Notes:



### For Your Eyes Only – Activity: Got a Grievance?

1. Working in groups (the size of the trainer's choice), participants should read the assigned scenario(s), located in the participant guide and answer the related questions in the space provided.
2. When all groups are finished, one person from the group will stand up, read the scenario, and share the questions and answers with the large group.
3. After other participants agree or not with the presented responses, trainer should reveal whether the answers presented are correct.
4. While some discussion is encouraged during this activity, it should not be long or drawn out.

Activity point: To apply knowledge of grievances, received during this training, to situations that may occur with juveniles in a juvenile facility.



### Activity – Got a Grievance?

**Time: 20 Minutes**

In your participant guide, open it to the activity titled, *Got a Grievance?* In groups, read the assigned scenario(s) and answer the related questions and record your responses in

the space provided. When everyone is finished, elect a spokesperson, who will present your responses to the large group. We will discuss the activity when all scenarios have been discussed.

## **Debrief**

*(Have the spokesperson from each group read the assigned scenario(s) and share their responses to the related questions. Allow time for a brief discussion about the responses, then move on to the next scenario.)*

### **| Scenario 1**

One day after dinner, Joseph and Timothy were involved in a fight with each other. The fight resulted in both juveniles being imposed with disciplinary seclusion for twenty-four hours (with a JSO personally observing each juvenile and recording their behavior at random intervals, not exceeding 15 minutes). It was Joseph's first incident since he was detained; however, it was the seventh incident of fighting for Timothy. After an emergency team meeting to discuss the altercation, it was decided Timothy would lose his program status because of his prior history of assaultive behavior.

Timothy decided to file a grievance; claiming his rights were violated because staff failed to follow the rules outlined in the resident handbook. Timothy claimed because he received disciplinary seclusion and a loss of his program status, that he was subjected to "cruel and unusual punishment."

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this does not describe a violation of standards. Rules of the facility were followed and because Timothy had several prior incidents of aggressive behavior, additional sanctions were warranted. TAC §343.285 describes in detail the standards regarding disciplinary seclusion. Be sure to adhere to local policy and procedure for specific guidelines you must follow regarding disciplinary seclusions, particularly for meals, large muscle exercise, visitation, and other reasons for being out of the housing unit.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Before the additional sanction was issued, the JSO could have discussed Timothy's actions with him and the consequences for them. Providing detailed explanations allows juveniles an opportunity to ask questions and process why certain decisions have been made.*

**I Scenario 2**

Due to an increase in female juveniles at a facility, the number of beds provided for girls was inadequate. As a result, the facility designated one of its empty male wings as a new housing unit for girls. Because the facility was designated co-ed, one male and one female JSO had to be present per shift.

Three female juveniles filed a grievance, claiming their privacy was violated when a male staff member visually observed them during showers.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this describes a violation of standards. TAC §343.432 and §343.626 state a juvenile supervision officer of one gender is prohibited from supervising and visually observing juveniles of the opposite gender during showers, strip searches, when disrobing (suicidal or not), or during personal hygiene tasks.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Despite the girls being moved to another wing, all juveniles must be supervised by a JSO of the same gender, during showers, strip searches, disrobing, and during personal hygiene practices at all times. The facility had an obligation to provide the same sex JSOs for the female juveniles during their shower time.*

### **I Scenario 3**

Jane requested to shave her legs during hygiene time. It was the fourth day she asked staff and each time she was told no.

Jane decided to file a grievance, that indicated she was treated unfairly and that her rights were violated because she was not allowed to shave her legs. She further stated if she was allowed to shave her legs, she would be in a better mood and would likely not act out against staff.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this does not describe a violation of standards. Although facilities may have different rules regarding the use of razors, it would typically be provided as*

*a privilege. Shaving is not a necessity for personal hygiene and Jane basing her behavior on the use of a razor is inappropriate.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Staff must ensure Jane and all juveniles understand the rules of personal hygiene and must provide thorough explanations of why something is not allowed.*

#### **| Scenario 4**

One afternoon, staff members conducted room searches in a housing unit and found contraband (razor) in Arnold's room, in plain view on top of his school folder. Arnold denied the razor was his and blamed Douglas, who he claimed had been trying to get him in trouble all week. Arnold was told it was impossible for Douglas to enter his room and was issued a twenty-four hour disciplinary seclusion for contraband.

Arnold filed a grievance and complained staff had violated his right to privacy by allowing another juvenile to enter his room and plant contraband.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this does not describe a violation of standards. Juveniles are supervised at all times and are they are not allowed to enter dorm rooms without permission. Further, staff are able to search juvenile rooms at any time.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Staff should always remind juveniles of rules regarding room searches and the camera footage could have been reviewed to determine if any other juveniles actually entered Arnold's room. In addition, if the JSO noticed a problem between two juveniles, steps must be taken to diffuse the situation, to prevent an escalation later.*

## **| Scenario 5**

On Good Friday, juveniles were served beef enchiladas, rice, beans, and peaches for their evening meal. The menu, previously approved by the juvenile facility dietitian, met the minimum daily requirements for nutrition and serving sizes, however Jonathan, who is Catholic, told staff he was not allowed to eat beef on this particular day. Jonathan was told he informed staff too late and an alternate meal was not available. Jonathan went to bed that evening without dinner.

Jonathan later filed a grievance and said his rights were violated because they he was not provided with a meal that aligned with his religious beliefs.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this describes a violation of standards. Juveniles are provided with meals based on dietary requirements of the United States Department of Agriculture, however when necessary, are provided with alternative options that align with religious beliefs and practices.*



**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Staff must ensure juveniles receive meals and if necessary, alternate meals that observe religious practices.*

## **| Scenario 6**

After arriving to a church service, Trevor told JSO Stark he did not want to stay for the service. JSO Stark told Trevor he had to remain for the service, because he was already there.

Later, Trevor filed a grievance, and reported his rights were violated because he was forced to attend a church service when he did not want to.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this describes a violation of standards. Juveniles continue to have religious rights while detained in a juvenile detention facility. Under TAC §343.384, juveniles have the right to refuse religious services at any time.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Staff had to allow Trevor to participate in an alternative activity, or should have coordinated with other staff to transport him to another designated area, defined by local policy, until the church session was over. Even if Trevor initially said he wanted to attend the church service, he had the right to change his mind.*

## **| Scenario 7**

Donald, due to appear in court next week, is anxious about what the outcome of his case is going to be. His attorney told him she would visit with him tomorrow to discuss the case. On the day of the visit, Donald was sent to security due to an altercation he had with another juvenile. He remained in security for the rest of the evening and was never called to visit with his attorney. Donald complained to staff about missing a visit with his attorney and was told his attorney did come by, however because of his inappropriate behavior, he was not allowed to visit with her.

Donald filed a grievance, and stated his right to visit with his attorney was violated and blamed his behavior on anxiety surrounding his court appearance.

### **Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this describes a violation of standards. Juveniles are able to visit with their attorney at any time, as long as the visit does not jeopardize the safety and security of a facility. A juvenile being denied a visit because of inappropriate behavior is violation of his (or her) rights.*

### **Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Juveniles have to right to receive visitation from their attorney, with exceptions outlined in local policy and procedure. Staff must ensure juveniles are allowed to visit with their attorney, despite inappropriate behavior and as long as safety and security are not in jeopardy.*

## **| Scenario 8**

One evening, after shower time, Jorge complained of stomach pains, which he had told staff about earlier and said he needed to see a medical professional. JSO Sanchez told Jorge he would let medical staff know, however, due to the evening schedule, he forgot to relay the message. Jorge went to bed and never saw a medical professional.

The next morning, Jorge filed a grievance, reporting his right to medical care had been violated.

**Q: Does this describe a violation of standards? Why?**

*A: Based on the information provided, this describes a violation of standards. Juveniles have the right to have their medical needs met while in a juvenile facility. Because Jorge did not see anyone for his stomach ache, his rights were violated.*

**Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?**

*A: Staff must ensure juveniles receive prompt treatment regarding their medical needs, including being seen by a medical professional when not feeling well, outlined in TAC §343.326.*

**Q: What questions do you have about this activity? (Answer questions, if any.)**

Let's shift our attention and talk about what your role is when juveniles file grievances and how to make sure you are not violating juvenile rights.



## Slide 16 – JSO Duties | Grievance Process

Instructor's Corner:

PG: 15



This slide appears with a picture. Click for duties to appear as they are mentioned.

### Trainer Notes:



## JSO DUTIES | GRIEVANCE PROCESS

Now that we have talked about the difference between rights and privileges, constitutional rights incorporated into the standards in the Texas Administrative Code, and the rights juveniles have while detained, there are some things you will need to consider when rewarding privileges, handling juvenile grievances, and issuing sanctions.

*(Click for duties to appear as they are mentioned.)*

Juvenile supervision officers must:

- Remain firm, equitable, and consistent

When awarding privileges or issuing sanctions, be sure to treat all juveniles with respect and consistency. You must ensure you are not providing certain juveniles with preferential treatment and be sure if you do issue a consequence, it is not excessive and unjust. Further, do what you can to treat juveniles equitably, or provide them with what they need to be successful. Equitability is discussed at length in the *Cultural Equity* course.

- Ensure grievances are filed appropriately according to local policy and as required by TAC §343.376

If a juvenile chooses to file a grievance, you must make sure it is completed as directed by local policy. Provide assistance to juveniles when they have questions about the process.

- Never interfere with the grievance process

Juveniles are allowed to file a grievance if they believe their rights have been violated. Even if you personally believe the grievance is baseless, remain professional and do not discourage them from filing the grievance report. Further, do not retaliate against a juvenile if they file a grievance directly related to your actions. By remaining professional at all times, even if against you, juveniles filing grievances must be something you wholly support.

**Q: What questions do you have about your duties regarding administering privileges, sanctions, and the grievance process?** *(Answer questions, if any.)*


In addition to being equitable and consistent when issuing sanctions, awarding privileges, and guiding the grievance process you must be mindful of sanctions you are prohibited from administering, as outlined in TAC. Let's take a few minutes and talk about prohibited sanctions.



## Slide 17 – Prohibited Sanctions

Instructor's Corner:

PG: 16

 This slide appears with a picture. Click for prohibited sanctions to appear as they are mentioned.

### Trainer Notes:



## Prohibited Sanctions

*(Click for prohibited sanctions to appear as they are mentioned.)*

As a JSO, you are directly responsible for juvenile safety and security while they are housed in juvenile facilities and must be aware of prohibited ways in which to administer sanctions. Not knowing these may lead to the violation of juvenile rights and subsequent disciplinary actions and/or civil consequences. They are listed throughout TAC Chapters 343 and 345, under the code of ethics and include the prohibition of:

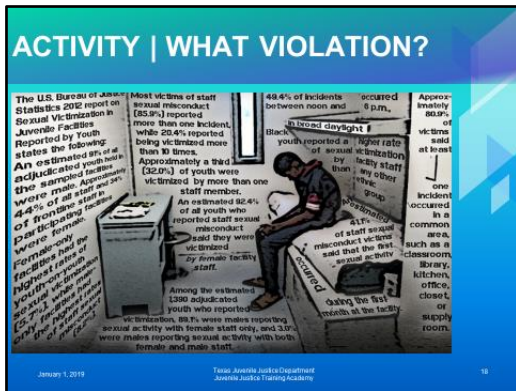
- Corporal punishment
- Humiliating punishment, including verbal harassment
- Allowing or directing one juvenile to sanction another
- Group punishment for the acts of individuals
- Deprivation | modification of:
  - required meals and snacks, with exceptions noted in TAC
  - clean and appropriate clothing
  - scheduled sleeping opportunities
  - medical or mental health services
- Physical exercise imposed for compliance, intimidation, or discipline

- Denial of the following as a disciplinary sanction:
  - visitation
  - sending and receiving mail
  - large muscle exercise
  - educational programming
  - religious services | religious counseling

**Q: What questions do you have about prohibited sanctions?** *(Answer questions, if any.)*

We are almost at the end of the course. Before we conclude, you are going to apply information provided today to do one last activity.





## Slide 18 – Activity: What Violation?

Instructor's Corner:

PG: 16

### Trainer Notes:



## For Your Eyes Only – Activity: What Violation?

1. Individually, after viewing the video, participants should answer the questions in the space provided, located in the participant guide.
2. Discuss the responses together as a large group.
3. Debrief activity as noted in the lesson plan.

Activity Point: To provide an opportunity to identify violations of juvenile rights and identify ways to ensure juveniles are treated appropriately.



## Activity: What Violation?

Turn in your participant guide to the activity titled *What Violation?* After watching the video, identify the conditions the juveniles were subjected to, the constitutional amendments and specific juvenile rights being violated, and alternate ways the juveniles should have been treated. You may take notes while watching the video. After everyone is finished answering the questions, we will debrief as a large group.



(Click to play video titled *Australian Prisons/Juvenile Detention Centres Shocking Child Abuse - ABC Four Corners*. Length is 3 minutes and 42 seconds.)

## Debrief

*(Have varying participants read each question and provide their answer.)*

### **Q: What conditions were the juveniles subjected to?**

*A: The juveniles were subjected to:*

- *Unlocked doors*
- *Broken light fixtures*
- *No running water*
- *No proper clothing or bedding*
- *Deplorable smell*
- *No air-conditioning*

### **Q: Based on the video, which constitutional rights discussed today could have been violated? Why?**

*A: The following constitutional rights could have been violated:*

- *8<sup>th</sup> Amendment | Right to No Cruel or Unusual Punishment*

*The juveniles were kept in deplorable conditions, including hot, dark cells and no running water, both of which may be considered cruel punishment. They were kept in these revolting conditions for multiple days at a time. The rooms were not cleaned, which lead to unsanitary conditions.*

- *14<sup>th</sup> Amendment | Right to Equal Protection to All*

*Despite this being a behavioral management unit, the juveniles are still entitled to equal protections. This means they must have access to basic necessities and must be treated with dignity and respect.*

**Q: Applying the specific standards discussed today, which were possibly violated?**

*A: Specific standards which were violated include:*

- *Discrimination*

*These juveniles were assigned to the behavioral management unit and were being treated in highly inappropriate ways. Juveniles must expect the same treatment as any other juvenile in a facility.*

- *Supervision*

*Juveniles have the right to be supervised in a facility, in a safe and respectful manner. These juveniles were being observed by JSOs, but were not being properly supervised. They were called inappropriate names by the staff members and one juvenile was able to leave his unlocked room, with access to a broken piece of glass.*

- *Basic Necessities*

*Juveniles have the right to have their basic needs, including medical and mental health needs, met while in a juvenile facility. These juveniles did not have proper attire, were made to eat with their fingers, had no running water, and had to remain in unclean, unsafe conditions.*

**Q: What interventions should have been implemented for these juveniles?**

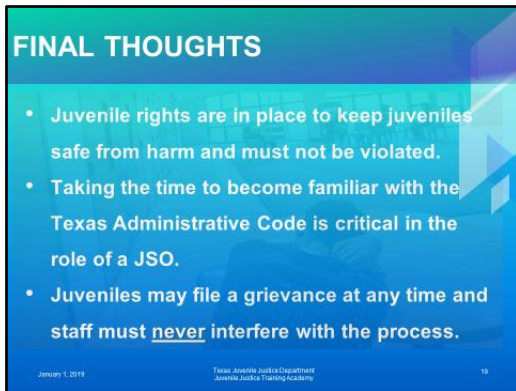
*A: The juveniles should have received:*

- *Proper supervision*
- *Basic necessities*
- *Separate rooms, with essentials, like running water, clean clothes, and linens*
- *Proper medical | mental health services*
- *Dignity and respect*

**Q: What questions do you have about this activity?** *(Answer questions, if any.)*

This video is extreme. It shows every way in which juveniles must *not* be treated. It is a disturbing account of what may happen in juvenile facilities, however it is important to remember that in many instances, violating a juvenile's rights may not be as blatant as the video depicts. This is why adhering to TAC is critical in keeping juveniles safe and ensuring their rights are not violated. Without these standards in place, juveniles would likely be at risk for inappropriate and harmful behavior.

We have come to the end of the course today.



## Slide 19 – Final Thoughts

Instructor's Corner:

PG: 18

Trainer Notes:



## FINAL THOUGHTS

Even when juveniles are detained in a juvenile facility, it is critical they are treated as anyone else would be. As a JSO, remaining professional and treating juveniles with respect is the first step in keeping them safe. Today, we have talked about several rights juveniles have while detained; remember to consult the *Texas Administrative Code* for additional information on the rights of juveniles.

Remember:

- Juvenile rights are in place to keep juveniles safe from harm and must not be violated.
- Taking the time to become familiar with the Texas Administrative Code is critical in the role of a JSO.
- Juveniles may file a grievance at any time and staff must never interfere with the process.

Thank you for attending the *Juvenile Rights* course today.